



Docket No. 212/291

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of:

Mollenauer, et al.

Serial No.: 09/724,325

Filed: November 28, 2000

For: Resuscitation Device

Art Unit: 3764

Examiner: DeMille, D.

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DECLARATION UNDER 37 CFR 1.132

I, K. David Crockett, hereby declare:

1. I am a patent attorney representing Revivant Corporation in this case. To determine the plausibility of the assertion of the Examiner in this case, presented in the Examiner's answer to our appeal brief, that the Lach device could be used on really large humans and very small children without resizing the device or its component, I made several measurements of available likely cardiac arrest patients, including myself, and two available children.

2. I have a thoracic circumference of approximately 42 inches as measured around the sternum. The depth of my thorax is approximately 10.5 inches. I measured two other fathers of typical size, and they had thoracic thickness of 11.5 inches and 12 inches. My seven year old son TJ has a thoracic circumference of approximately 25 inches as measured around the sternum, and the depth of his thorax is approximately 6" inches. TJ is huge for a seven year old, and at 4'6" tall is in the 95<sup>th</sup> percentile for height for children of his age. My five year old

son Kirk has a thoracic circumference of approximately 23 inches as measured around the sternum, and the depth of his thorax is approximately 5" inches. Kirk is merely big for a five year old, and at 3'8" tall is in the 80<sup>th</sup>-90<sup>th</sup> percentile for height for children of his age.

3. I have prepared the illustrations shown in the brief under the Examiner's stated assumption that the Lach device would be used with the same sized components for both "really large humans" and "very small children" but have used the data above which is collected only from merely big men and children of relatively large size. It is clear from the illustrations that, in a Lach device sized and dimensioned for me, the device would be structurally incapable of providing any compression whatsoever to children.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and any patent issuing thereon.

Date: June 7, 2004

By: 

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K. David Crockett, Esq.